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BEFORE THE ARIZONA CORPORATION COMMISSION

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IN THE MATTER OF MIDVALE TELEPHONE
EXCHANGE INC.'S APPLICATION FOR AN
AMENDMENT TO ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. T-02532A-07-0586

PROCEDURAL ORDER**BY THE COMMISSION:**

On October 9, 2007, Midvale Telephone Exchange Inc. ("Midvale") filed with the Arizona Corporation Commission ("Commission") an Application for an Amendment to its Certificate of Convenience and Necessity ("CC&N"). Therein, Midvale requested to extend its service area to include several areas in Yavapai County, some of which are contiguous to its current service area.

On October 31, 2007, Staff issued a Letter of Insufficiency and First Set of Data Requests.

On November 19, 2007, Midvale filed an Amended Application, excluding from its requested extension area three sections of land included within the CC&N area of another telecommunications provider. As a result, the extension area requested by Midvale includes a total area of 168 Sections, broken down as follows:

T18N, R3W, Sections 4-7, 9-10, 15-22, and 27-34
T18N, R4W, Sections 1-4 and 8-36
T18N, R5W, Sections 13-15, 19, 21-22, 24-25, 29-31, 33, and 36
T18N, R6W, Sections 24-25
T17N, R3W, Sections 3-10 and 15-18
T17N, R4W, Sections 1-17, 20-21, 28-30, and 32-33
T17N, R5W, Sections 1, 25-26, and 35-36
T16N, R1E, Section 31
T16N, R1W, Sections 1-17, 19-34, and 36
T16N, R4W, Sections 3-5 and 8-10
T15N, R2E, Sections 17, 20, 29, and 32 and the eastern ½ of Sections 18, 19, 30, and 31
T15N, R1E, Sections 1 and 5
T15N, R1W, Sections 3-10

On December 21, 2007, Midvale filed responses to Staff's First Set of Data Requests.

On January 15, 2008, Staff issued a Second Letter of Insufficiency and Second Set of Data Requests.

On March 17, 2008, Midvale filed responses to Staff's Second Set of Data Requests.

On April 11, 2008, Staff issued a Third Letter of Insufficiency and Third Set of Data Requests.

On April 28, 2008, Table Top Telephone Company, Inc. ("Table Top") filed a Motion to Intervene in this matter, asserting that it intends to apply to extend its CC&N to include the following 117 Sections, which it refers to as the "Williamson Valley Expansion Area," all of which are included within Midvale's requested extension area:

T18N, R3W, Sections 4-7, 9-10, 15-22, and 27-34
 T18N, R4W, Sections 1-4 and 8-36
 T18N, R5W, Sections 13-15, 19, 21-22, 24-25, 29-31, 33, and 36
 T18N, R6W, Sections 24-25
 T17N, R3W, Sections 3-10 and 15-18
 T17N, R4W, Sections 1-17, 20-21, 28-30, and 32-33
 T17N, R5W, Sections 1, 25-26, and 35-36
 T16N, R4W, Sections 3-5 and 8-10

On May 12, 2008, a Procedural Order was issued granting Table Top's Motion to Intervene.

On May 21, 2008, Midvale filed responses to Staff's Third Set of Data Requests.

On June 19, 2008, Staff issued a Fourth Letter of Insufficiency and Fourth Set of Data Requests.

On August 7, 2008, counsel for Table Top filed Notice of Change of Address.

On August 25, 2008, Midvale filed responses to Staff's Fourth Set of Data Requests.

On September 11, 2008, a letter was filed in support of Midvale's application.

On September 12, 2008, Staff filed a letter stating that Midvale's application has met the sufficiency requirements outlined in Arizona Administrative Code ("A.A.C.") R14-2-502.

The Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** on Midvale's application shall commence on **November 10, 2008, at 10:00 a.m.**, or as soon thereafter as is practicable, in Room 100 at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that Midvale shall, **by October 13, 2008, publish notice** of its application and the hearing, as stated below, with a heading no less than 12-point bold type and the

body no less than 6-point regular type, in a newspaper(s) of general circulation in the requested extension area.

**IN THE MATTER OF MIDVALE TELEPHONE EXCHANGE INC.'S
APPLICATION FOR AN AMENDMENT TO ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.
(Docket No. T-02532A-07-0586)**

Summary

Midvale Telephone Exchange Inc. ("Midvale") has filed with the Arizona Corporation Commission ("Commission") an application for an amendment to its certificate of convenience and necessity ("CC&N") to allow it to provide facilities-based local exchange service and toll service to a 168-Section area within Yavapai County, Arizona. Specifically, the requested extension area includes various Sections within T18N, R3W-6W; T17N, R3W-5W; T16N, R1E, 1W, & 4W; and T15N, R1E, 2E, and 1W.

The Commission's Utilities Division Staff ("Staff") has not yet made a recommendation regarding the application. The Commission will issue a decision regarding the application following consideration of testimony and evidence presented at an evidentiary hearing. The Commission is not bound by the proposals made by Midvale, Staff, or any intervenors.

How You Can View or Obtain a Copy of the Application and Other Documents

Copies of the application and the other documents filed in this docket are available at Midvale's offices at [COMPANY INSERT ADDRESS HERE]; at the Commission's Docket Control Center at 1200 West Washington, Phoenix, Arizona, for public inspection during regular business hours; and on the Internet via the Commission's website (www.azcc.gov) using the e-Docket function.

Public Hearing Information

The Commission will hold a hearing on this matter beginning **November 10, 2008, at 10:00 a.m.**, in Room 100 at the Commission's offices, 1200 West Washington, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted by mailing a letter referencing Docket No. T-02532A-07-0586 to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or by e-mail. For a form to use and instructions on how to e-mail comments to the Commission, go to http://www.azcc.gov/divisions/utilities/forms/public_comment.pdf. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000 or 602-542-4251.

About Intervention

The law provides for an open public hearing at which, under appropriate circumstances, interested persons may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you desire to intervene, you must file an original and 13 copies of a written motion to intervene with the Commission no later than **November 3, 2008**. You must send a copy of the motion to intervene to Midvale or its counsel and to all parties of record. Your motion to intervene must contain the following:

1. Your name, address, and telephone number and the name, address, and telephone number of any person or entity upon whom service of documents is to be made, if not yourself;
2. A short statement of your interest in the proceeding (e.g., a customer of Midvale, a property owner in the requested extension area, etc.); and
3. A statement certifying that you have mailed a copy of the motion to intervene to Midvale or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before November 3, 2008. If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Commission's website at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the application or from filing written comments in the record of the case.

ADA/Equal Access Information

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter and may request this document in an alternative format by contacting the Commission's ADA Coordinator, Linda Hogan, by e-mail at LHogan@azcc.gov or by voice phone number at (602) 542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that Midvale shall, no later than **October 11, 2008**, mail a copy of the above notice to each person who owns property within the requested extension area.

IT IS FURTHER ORDERED that Midvale shall, no later than **October 27, 2008**, file certification of mailing and publication with the Commission.

IT IS FURTHER ORDERED that Staff shall file a **Staff Report** in this matter by **October 14, 2008**.

IT IS FURTHER ORDERED that any **objections to the Staff Report** shall be filed on or before **October 28, 2008**.

IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **November 3, 2008**.

IT IS FURTHER ORDERED that any objections to motions to intervene must be filed on or before **November 7, 2008**.

IT IS FURTHER ORDERED that intervenors shall file specific disagreements/comments, if

1 any, regarding the application and Staff Report by **November 7, 2008**.

2 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
3 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission
4 *pro hac vice*.

5 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
6 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
7 Rules of the Arizona Supreme Court). Representation before the Commission includes appearing at
8 all hearings, procedural conferences, and Open Meetings at which the matter is scheduled for
9 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
10 Law Judge or the Commission.

11 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113—Unauthorized
12 Communications) applies to this proceeding and shall remain in effect until the Commission's
13 Decision in this matter is final and non-appealable.

14 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
15 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

16 Dated this 16th day of September, 2008.

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19 SARAH N. HARPRING
20 ADMINISTRATIVE LAW JUDGE

21 Copies of the foregoing mailed/delivered
22 this 16th day of September, 2008, to:

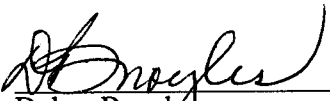
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16 By: 
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18 Secretary to Sarah N. Harpring
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